

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 21-12570

Honorable Gershwin A. Drain

v.

JAMES J. KELLY, JR.

Defendant.

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**ORDER REQUIRING DEFENDANT TO SUBMIT QUARTERLY
ACCOUNTING OF FUNDS IN BANK ALPINUM ACCOUNT WITH
ACCOMPANYING BANK STATEMENTS BY FEBRUARY 9, 2022,
REQUIRING SUBSTITUTION OF COUNSEL BY FEBRUARY 4, 2022
AND FINDING MOTION FOR ORDER SCHEDULING TELEPHONE
CONFERENCE [#24] MOOT**

Plaintiff United States of America filed the instant action against Defendant James J. Kelly alleging he willfully failed to report his financial interest in a foreign bank account during tax years 2013, 2014, and 2015. On November 29, 2021, the Court entered a Stipulation for Order of Preliminary Injunction wherein Defendant agreed to submit “to the Court a quarterly accounting of the funds in the Bank Alpinum Account ending 1392 accompanied by the corresponding bank statements issued by” the bank . . . no later than the 10th (tenth) day following the

end of the quarter.” ECF No. 21, PageID.227. Defendant agreed his first quarterly report was due “following the quarter ending December 31, 2021.” *Id.* Defendant missed his deadline for submission of the first quarterly accounting of the Bank Alpinum funds. Meanwhile, the Government discovered that Defendant’s counsel has been suspended from practicing in this Court. The Government filed a Motion for Status Conference on January 24, 2022.

The Court conducted a Status Conference in this matter on February 1, 2022. Counsel for the Government, Defendant and his counsel all appeared for the status conference via Zoom teleconferencing. Because Defendant’s current counsel has been suspended from practicing in this Court, he may not represent the Defendant in these proceedings until he has been reinstated. As such, the Court directed counsel to file a substitution of counsel.

Additionally, the Court set the following dates at the conference:

Deadline for Substitution of Counsel:	February 4, 2022
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Deadline for First Quarterly Accounting & Accompanying Bank Statements:	February 9, 2022
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All future quarterly accountings shall be filed in accordance with paragraph 5 of the Stipulation for Order of Preliminary Injunction. ECF No. 21, PageID.227. The Government’s Motion for a Status Conference [#24] is MOOT.

IT IS SO ORDERED.

/s/ Gershwin A. Drain
GERSHWIN A. DRAIN
UNITED STATES DISTRICT JUDGE

Dated: February 3, 2022

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on
February 3, 2022, by electronic and/or ordinary mail.

/s/ Teresa McGovern
Case Manager